

## BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )

Lamutt for Congress and Robert Bruce Lamutt, )  
in his official capacity as treasurer )

MUR 5814

## GENERAL COUNSEL'S REPORT #4

I. ACTIONS RECOMMENDED

Take no further action as to Lamutt for Congress and Robert Bruce Lamutt, in his official capacity as treasurer, with respect to the Commission's reason to believe findings that the Respondents violated 2 U.S.C. §§ 432(c)(5), 434(b)(4)(G) & (6)(A) and 11 C.F.R. § 104.3(b); approve the attached Factual and Legal Analysis; send a cautionary letter to the Respondents; and close the file.

II. DISCUSSION

The Commission previously found reason to believe that Lamutt for Congress and Robert Bruce Lamutt, in his official capacity as treasurer, ("the Committee") violated 2 U.S.C. § 441a-1(b)(1)(D) and 11 C.F.R. § 400.22(b) and that Robert Bruce Lamutt violated 2 U.S.C. § 441a-1(b)(1)(D) and 11 C.F.R. § 400.25 (provisions of the Millionaires' Amendment) by failing to timely file a 24-Hour Notice of Expenditure from Candidate's Personal Funds (FEC Form 10) after the candidate made expenditures from personal funds aggregating in excess of \$10,000 for the 2004 Primary/Runoff election. The Commission also found reason to believe that the Committee violated 2 U.S.C. §§ 432(c)(5), 434(b)(4)(G) & (6)(A) and 11 C.F.R. § 104.3(b) by failing to accurately account for and report certain disbursements that were embezzled by Jack Thomas, the Committee's former deputy campaign manager.

29044244612

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

29044244613

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20

we recommend that

21 the Commission, as a matter of prosecutorial discretion, take no further action as to Lamutt for

1

Congress and Robert Bruce Lamutt, in his official capacity as treasurer, in connection with the Respondents' violations of 2 U.S.C. §§ 432(c)(5), 434(b)(4)(G) & (6)(A) and 11 C.F.R. § 104.3(b), and send a cautionary letter. *See Heckler v. Chaney*, 470 U.S. 821 (1985).

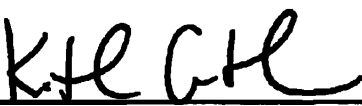
**III. RECOMMENDATIONS**

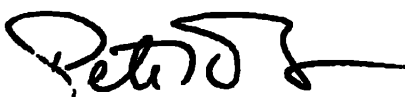
1. As a matter of prosecutorial discretion, take no further action as to Lamutt for Congress and Robert Bruce Lamutt, in his official capacity as treasurer, in connection with the reason to believe findings that the Respondents' violated 2 U.S.C. §§ 432(c)(5), 434(b)(4)(G) & (6)(A) and 11 C.F.R. § 104.3(b);
2. Approve the attached Factual and Legal Analysis;
3. Approve the appropriate cautionary letter; and
4. Close the file.


Thomasenia P. Duncan  
General Counsel

5-6-09  
Date

BY:

  
Kathleen M. Guith  
Deputy Associate General Counsel for Enforcement

  
Peter G. Blumberg  
Assistant General Counsel

  
Marianne Abely  
Attorney